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ABSTRACT

Each of the 50 states has a child abuse and neglect reporting law. An overview of these various statutes is provided in table form, giving the following information: citation; year enacted; effective date; requirement for mandatory reporting; reportable age; definitions of child abuse; requirement for education/school report; immunity, civil and criminal; requirement for mandatory investigation; confidentiality of records; penalty; cooperation with law courts and state agencies; appointment of guardian ad litem; administrative proceedings and existence of trained personnel and facilities; and provision for dissemination of information. (JMF)

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A Comparison of the States'

Child Abuse and Neglect Reporting Statutes

Report No. 84

Child Abuse and Neglect Project

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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Education Commission of the States
Denver, Colorado 80203
Wendell H. Pierce, Executive Director

March 1976

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The purpose of this document is to provide policy makers and others interested in child abuse and neglect an overview of the current status of the child abuse and neglect reporting laws in the United States. *Please note that this digest covers only the Child Abuse and Neglect Reporting Statutes, with the exception of the guardian ad litem.* Other legal provisions or requirements related to providing additional protective services to children may be found in other sections of the laws relating to families, juvenile code, etc. The year enacted column refers to the latest substantive revision of the reporting law. The column "Education/School Report" represents part of a much broader category of persons mandated to report suspected cases of child abuse and neglect and thus is not inclusive of all persons or officials required to report suspected child abuse and neglect.

The ECS child abuse and neglect project would like to extend appreciation to Brian Fraser, project director for the Regional Resource Demonstration Project of the National Center for Prevention and Treatment of Child Abuse and Neglect and faculty member in the Department of Pediatrics at the University of Colorado and Gerald Dahl, University of Colorado, School of Law.

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CHILD ABUSE LEGISLATION

	Citation	Year Enacted	Effective Date	Purpose of Legislation: Mandatory Reporting	Report-able Age	Definitions	Education/ School Report: Mandatory	Immunity: Civil Criminal	Mandatory Investigation	Confidentiality of Records	Penalty	Cooperation with Law Courts, State Agencies	Guardian ad Litem	Administrative Proceedings, Trained Personnel, Facilities	Dissemination of Information
Federal	P.L. 93-247 Sec. 4b	1974	1/31/74	Yes	0-18 years	Physical or mental injury, sexual abuse, negligent treatment or maltreatment	Yes	Yes	Yes, promptly	Yes		Yes	Yes	Yes	Yes
States															
Alabama	Act 1124; AC Tit. 7, §177; Tit. 13, §352(5,6)	1975	10/10/75	Yes	0-18 years	Harm or threatened harm through nonaccidental physical or mental injury, sexual abuse or attempted sexual abuse. Negligent treatment/maltreatment; failure to provide adequate food, medical treatment, clothing or shelter	Yes	Yes	Yes, promptly	Yes	Misde-meanor	No specific provision	Yes	No specific provision	No specific provision
Alaska	AS §47.17.010-.070	1971	8/23/71	Yes	0-16 years	Nonaccidental infliction of physical harm; failure to provide necessary food, care, clothing, shelter, medical attention	Yes	Yes	Yes, no specific time frame	Yes	No specific provision	No specific provision	Yes	No specific provision	No specific provision
Arizona	ARSA §8-535 (D,E); §8-546.0-4	1970	5/18/70	Yes	C-18 years	Nonaccidental physical or mental injury, causing of deterioration, failure to maintain reasonable care and treatment, failure to provide reasonable support	Yes	Yes	Yes, promptly	Yes	No specific provision	State department of economic security may cooperate	Yes	No specific provision	No specific provision
Arkansas	Act 397 of 1975	1975	3/14/75	Yes	0-18 years	Physical or mental injury; sexual mistreatment other than accidental neglect; failure to provide necessary care and support, education, medical, surgical, etc.	Yes	Yes	Yes, promptly	Yes	Misde-meanor	Yes	Yes	Yes	Yes
California	CA 348, 309, 421 – 1974; Welfare & Instit. Code §681; Civil Code §237	1974	Exact date not available	Yes	0-18 years	Serious physical injury, harm, intentional neglect, malnutrition, sexual abuse, willful mental injury, negligent treatment or maltreatment; any condition which violates rights of physical, mental or moral welfare; jeopardizes health, opportunity for normal development or capacity for independence	Yes	Yes	Yes, no specific time frame	No specific provision	No specific provision	Yes	Yes	Yes	Yes
Colorado	HB 1482; CRS 19-10-101 et. seq.	1975	6/30/75	Yes	0-18 years	Act or ommission which seriously threatens health or welfare of child, Skin bruising, bleeding, malnutrition, burns, failure to thrive, bone fracture, death, sexual assult or	Yes	Yes	Yes, immediately	Yes	Misde-meanor	Yes	Yes	Yes	No specific provisio

						molestation; failure to provide adequate food, clothing, shelter and supervision									
Connecticut	CSA §17-38, as amended by PA 75-205, 270, 384, 492	1975	Not available	Yes	0-18 years	Nonaccidental physical injuries; maltreatment such as malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment, cruel punishment	Yes	Yes	Yes, immediately	Yes	Misdemeanor	Yes	Yes	Yes	No specific provision
Delaware	DC §1001-7	1971	6-25-71	Yes	Mentally retarded or 0-18 years	Serious physical injury other than accidental, physical or emotional condition that gives indication of other serious abuse or maltreatment; mistreatment or nontreatment	Yes	Yes	Yes, immediately	Yes	Misdemeanor	No specific provision	No specific provision	No specific provision	No specific provision
Florida	FSA §827.07	1975	6/30/75	Yes	0-18 years	Any willful or negligent act which results in neglect, malnutration, sexual abuse, unreasonable physical injury, material endangerment of mental health; failure to provide sustenance, clothing, shelter or medical attention	Yes	Yes	Yes, immediately	Yes	Misdemeanor	Yes	Yes	Yes	Yes
Georgia	GCA 24-A, §2001, 3301; 74-111	1975	4/24/75	Yes	0-18 years	Physical or mental mistreatment, sexual abuse, physical maltreatment, unreasonable mental or emotional distress, failure to provide necessary care or support	Yes	Yes	No specific time frame	Yes	No specific provision	No specific provision	Yes	No specific provision	No specific provision
Hawaii	HRS §350.5, 571-24	1975	2/13/75	Yes	0-18 years	Physical or mental injury, sexual abuse, negligent treatment or maltreatment	Yes	Yes	Yes, immediately	Yes	No specific provision	No specific provision	Yes	No specific provision	No specific provision
Idaho	IC §16-1624, 1641, 2000	1973	Not available	Yes	0-18 years	Abandonment, emotional maladjustment, neglect, abuse, skin bruising, bleeding, malnutrition, sexual molestation, burns, fractures of any bone, failure to thrive or death or any such condition or death not justifiably explained	Yes	Yes	Yes, immediately	No specific provision	No specific provision	No specific provision	Yes	No specific provision	No specific provision
Illinois	IRS Ch. 23, §1-12; Ch. 37, §704-5	1975	7/1/75	Yes	0-18 years	*Abuse:* physical injury, sexual abuse, mental injury; *neglect:* failure to provide care and maintenance, proper and necessary support, education, medical, etc. Abandonment, death	Yes	Yes	Yes, 24 hours	Yes	Misdemeanor	No specific provision	Yes	No specific provision	No specific provision

	Citation	Year Enacted	Effective Date	Purpose of Legislation: Mandatory Reporting	Report-able Age	Definitions	Education/ School Report: Mandatory	Immunity: Civil Criminal	Mandatory Investigation	Confidentiality of Records	Penalty	Coopera-tion with Law Courts, State Agencies	Guardian ad Litem	Administra-tive Pro-ceedings, Trained Personnel, Facilities	Dissemi-nation of Informa-tion
Indiana	IC §12-3-3-2, 52-1426-1431	Not avail-able	Not avail-able	Yes		A physical injury inflicted upon a child by other than accidental means by a parent or by other person who is responsible for his care	Yes	Yes	Yes, imme-diately	No spe-cific pro-vision	No spe-cific pro-vision	No specific provision	Yes	No specific provision	No specific provision
Iowa	ICA §232.28, 1225, 235H.1-H-24	1974	7/1/74	Yes	0-18 years	Any nonaccidental physical injuries suffered by a child as a result of the acts or omissions of child's parent, guardian, or other person legally responsible for the child	Yes	Yes	Yes, promptly	Yes	Misde-meanor	Yes	Yes	Yes	No specific provision
Kansas	KSA Ch. 231, §38-821; HB 2543	1975	4/23/75	Yes	0-18 years	Physical or mental injury, causing of deterioration, sexual abuse or maltreatment; endangerment of health, morals, emotional or well-being	Yes	Yes	Yes, promptly	Yes	No spe-cific pro-vision	No specific provision	Yes	No specific provision	No specific provision
Kentucky	KRS 199.335, 208.020, 208.990	1964	3/19/64	Yes	0-18 years	Severe malnutrition, sexual abuse, severe neglect; serious physical injury, injuries other than by accidental means; gross neglect which would affect either the physical, mental or emotional well-being of; death	Yes	Yes	Search under warrant	No spe-cific pro-vision	No spe-cific pro-vision	No specific provision	No specific provision	No specific provision	No specific provision
Louisiana	LRS §14:403(6,7), 14:463	1975	9/12/75	Yes	0-18 years	Physical or mental injury or causing deterioration; shall include exploitation or overwork, to the extent that health, moral or emotional well-being is endangered	Yes	Yes	Yes, promptly	Yes	Misde-meanor	No specific provision	Yes	No specific provision	No specific provision
Maine	MRSA Tit. 22, §3851-60	1975	4/21/75	Yes	0-18 years	Physical or mental injury, sexual abuse, negligent treatment or maltreatment	Yes	Yes	Yes, no specific time frame	Yes	Misde-meanor	No specific provision	Yes	No specific provision	No specific provision
Maryland	MCA Art. 27-35(a)-(i)	1974	7/1/74	Yes	0-18 years	Physical injury or injuries sustained by a child as a result of cruel or inhumane treatment or as a result of malicious act or acts by any parent, adoptive parent or other person who has permanent or temporary care, custody or responsibility of minor child; any sexual abuse of a child, whether physical injuries are sustained or not	Yes	Yes	Yes, no specific time frame	No spe-cific pro-vision	No spe-cific pro-vision	No specific provision	No specific provision	No specific provision	No specific provision

Massachusetts	MGL Ch. 119, §29, 39F	1973	1973	Yes	0-16 years	Serious physical or emotional injury from abuse including sexual or from neglect including malnutrition; physically dependent on addictive drug at birth	Yes	Yes	Yes, no specific time frame	Yes	Fine and/or imprisonment	No specific provision	Yes	No specific provision	No specific provisior
Michigan	Act 238 of PA, 1975 §1-16; MCL §25.240	1975	10/1/75	Yes	0-18 years	Nonaccidental physical or mental injury, sexual abuse, maltreatment; harm caused by negligent treatment, failure to provide adequate care or support	Yes	Yes	Yes, 24 hours	Yes	Misdemeanor	Yes	Yes	Yes	Yes
Minnesota	MSA 75-626, §260.155(4)	1975	6/2/75	Yes	Minor child	Sexual abuse, physical injury, nonaccidental injury which cannot be explained by history of injuries provided	Yes	Yes	Yes, immediately	Yes	Misdemeanor	No specific provision	Yes	No specific provision	No specific provisio
Mississippi	MCA §43-21-17, 93-15-5; HB 1065, Ch. 494	1975	4/7/75	Yes	0-18 years	Nonaccidental injury, sexual abuse, mental health adversely affected; failure to provide necessary care, support, education, other necessary care for well-being. Lack of special care because of mental condition, i.e., mentally defective or mentally disordered	Yes	Yes	Yes, no specific time frame	Yes	No specific provision	No specific provision	Yes	No specific provision	No specific provision
Missouri	AMS §211.471; HB 574	1975	6/6/75	Yes	0-18 years	Nonaccidental physical injury, sexual abuse, emotional abuse; failure to provide necessary support, education, medical, surgical or other care necessary for well-being of child	Yes	Yes	Yes, 24 hours	Yes	Misdemeanor	Yes	Yes	Yes	Yes
Montana	RCM: §10-1300-1322	1974	Not available	Yes	0-18 years	Commission or omission of any act or acts which materially affect the normal physical or emotional development of a youth, any excessive physical injury, sexual assault; failure to thrive, taking into account age and medical history of youth, shall be presumptive of material effect and nonaccidental	Yes	Yes	Yes, no specific provision	Yes	No specific provision	No specific provision	Yes	No specific provision	No specific provision
Nebraska	NRS §28-1501-1508 §43-205.06; 209(6)	1974	Not available	Yes	Child-includes any incompetent or disabled person who has been subjected to abuse	Anyone who knowingly, intentionally or negligently causes or permits a minor child, incompetent or disabled person to be placed in a situation that may endanger his life or health; tortured, cruelly confined or cruelly punished; deprived of necessary food, clothing, shelter or care; left unattended in a motor vehicle if such minor child is 6 years of age or younger	Yes	Yes	Yes, no specific time frame	No specific provision (however language suggests they are confidential)	No specific provision	No specific provision	Yes	No specific provision	No specific provision

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Nevada	NRS §200.501-8	1965	7/1/65	Yes	0-18 years	Nonaccidental physical or mental injury, sexual abuse, negligent treatment or maltreatment	Yes	Yes	Yes, promptly	Yes	Misdemeanor	Yes	No specific provision	Yes	No specific provision
New Hampshire	NHRSA §169:37-44; §170-C:8	1975	Exact date not available	Yes	0-18 years	Child who has been sexually molested or has had physical, emotional or other injuries inflicted by other than accidental means	Yes	Yes	Yes, immediately	Yes	No specific provision	No specific provision	Yes	No specific provision	No specific provision
New Jersey	NJSA Ch. 119 of 1974, §9:6-8.23	1974	10/10/74	Yes	0-18 years	Physical injury by other than accidental means; causing or creating risk of death, serious or protracted disfigurement, protracted impairment of physical or emotional health, sexual abuse, failure to provide care, substantial or ongoing risk of physical injury or death	Yes	Yes	Permissive hearing	Yes	No specific provision	Yes	Yes	No specific provision	No specific provision
New Mexico	NMSA §13-14-14.1, 13-14-25(G)	1973	4/3/73	Yes	0-18 years	No definition stated	Yes	Yes	No specific time frame or provision	No specific provision	No specific provision	No specific provision	Yes	No specific provision	No specific provisio
New York	Tit. 6, L. 1973, Ch. 1039; NYFC Act §241-9	1973	6/23/73	Yes	0-18 years	Abused as defined by family court act; neglected as defined by family court act; or has had serious physical injury inflicted upon him by other than accidental means	Yes	Yes	Yes, 24 hours	Yes	Misdemeanor	No specific provision	Yes	Yes	Yes
North Carolina	NCGS 7A-286(7)	1975	Exact date not available	Yes	0-18 years	Physical injury by other than accidental means which causes a substantial risk, death, disfigurement or impairment of physical health	Yes	Yes	Yes, promptly	Yes	No specific provision	No specific provision	No specific provision	No specific provision	No specific provision
North Dakota	NDCC §27-20-26, 27-20-48, 50-25.1	1975	7/1/75	Yes	0-18 years	Nonaccidental serious physical harm, traumatic abuse; neglect, i.e., deprivation	Yes	Yes	Yes, promptly	Yes	Misdemeanor	Yes	Yes	Yes	No specific provision
Ohio	ORC §2151.287; Amended Substitute HB 85	1975	11/28/75	Yes	0-18 years; 0-21 physically, mentally handicapped	Victim of sexual activity, endangered; evidence of any physical injury or death other than by accidental means or injury or death which is at variance with the history given to it; failure to provide necessary care, support, medical attention and educational facilities	Yes	Yes	Yes, 24 hours	Yes	Misdemeanor	Yes	Yes	Yes	No specific provision

Oklahoma	ORS Tit. 10, §1109(e); SB 304, Ch. 98	1975	4/30/75	Yes	0-18 years	Harm or threatened harm to child's health or welfare through nonaccidental injury (physical or mental); sexual abuse, negligent treatment or maltreatment; failure to provide adequate food, clothing, etc.	Yes	No specific provision	Yes, immediately	Yes	Misdemeanor	No specific provision	Yes	No specific provision	No specific provision
Oregon	ORS Tit. 10, §1109(b); SB 304, Ch. 98	1975	9/13/75	Yes	0-18 years	Nonaccidental physical injury, including any injury which appears to be at variance with explanation given; maltreatment which leads to physical harm; sexual molestation	Yes	Yes	Yes, 24 hours	Yes	Misdemeanor	No specific provision	Yes	No specific provision	No specific provision
Pennsylvania	PSA Tit. 11, §50-317; Act 124 of 1975	1975	11/26/75	Yes	0-18 years	Serious nonaccidental physical or mental injury, sexual abuse, serious physical neglect	Yes	Yes	Yes, immediately	Yes	Misdemeanor	Yes	Yes	Yes	No specific provision
Rhode Island	HB 6341, §40-11-1-10	1975	7/1/75	Yes	0-18 years	Any child who has any serious physical injury or injuries which reasonably appear to have been caused by other than accidental means and/or any child suffering from the battered child syndrome	No specific provision	Yes	Yes, no specific time frame	No specific provision	No specific provision	No specific provision	No specific provision	No specific provision	No specific provision
South Carolina	CLSC §20-302.0-302.4	1974	7/9/74	Yes	0-17 years	Severely battered, physically abused, safety seriously endangered unless parental rights are terminated and child be made eligible for adoption; abandonment, neglect	Yes	Yes	Yes, 3 days	No specific provision	Misdemeanor	No specific provision	No specific provision	No specific provision	No specific provision
South Dakota	SDCLA §26-8-22, 26-10	1975	Exact date not available	Yes	0-18 years	Exposure, torture, torment, cruelty, punished willfully; deprivation of necessary food, clothing, shelter, or medical care; physical or emotional abuse	Yes	Yes	Yes, no specific time frame	Yes	Misdemeanor	No specific provision	Yes	No specific provision	No specific provision
Tennessee	TCA Tit. 37, §1201-1212	1973	4/17/73	Yes	0-18 years	No specific definition provided	Yes	Yes	Yes, promptly	Yes	No specific provision	Yes	Yes	No specific provision	No specific provision
Texas	Family Code Ch. 10, 11,34	1973	1/1/74	Yes	Child	No specific definition provided	Yes	Yes	Yes, 5 days	No specific provision	No specific provision	Yes	Yes	No specific provision	No specific provision
Utah	UCA §55-16-6,7; 55-10-89, 96, 111	1965	5/11/65 7/1/65	Yes	0-18 years	Harm, threatened harm; nonaccidental physical or mental injury, sexual abuse, negligent treatment or maltreatment; failure to provide adequate food, clothing and shelter	Yes	Yes	Yes, no specific time frame	Yes	Misdemeanor	No specific provision	Yes	No specific provision	No specific provision

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Vermont	VSA Tit. 13, Ch. 27; Tit. 33, §653(a)	1973	7/1/74	Yes	Under age of major-ity	Nonaccidental physical injury where health, life, development or welfare is in jeopardy; neglect, abandonment	Permis-sive	Yes	Yes, 72 hours	Yes	Fine of $500 or less	No specific provision	Yes	No specific provision	No specific provision
Virginia	VCA §16.1-173(f), 63.1-248.12	1975	6/1/75	Yes	0-18 years	Nonaccidental physical or mental injury; risk of death, disfigurement, impairment; neglect or refusal to provide necessary health care; abandonment; sexual abuse	Yes	Yes	Yes, imme-diately	Yes	Misde-meanor	Yes	Yes	Yes	Yes
Washington	WRCA Ch. 217, 1975 §26.44(8)	1975	9/8/75	Yes	0-18 years	Nonaccidental injury, sexual abuse, negligent treatment or maltreatment, death, cruelty; child or mentally retarded person deprived of right to conditions of minimal nurture, health and safety	Yes	Yes	Yes, no specific time frame	Yes	Misde-meanor	No specific provision	Yes	No specific provision	No specific provision
West Virginia	Art. 6A, §49-6A-1-4	1975	Not avail-able	Yes	0-18 years	No specific definition provided	Yes	Yes	Yes, no specific time frame	No spe-cific pro-vision	No spe-cific pro-vision	No specific provision	No specific provision	No specific provision	No specific provision
Wisconsin	WSA §48.25.5, 48.981	1975	10/10/65	Yes	0-18 years	No specific definition provided	Yes	Yes	Yes, imme-diately	Yes	No spe-cific pro-vision	Yes	Yes	Yes	No specific provision
Wyoming	WSA §14-28.7-28.13; 14-115.17, 115.23	1971	5/21/71	Yes	0-18 years	Skin bruising, bleeding, malnutrition, sexual molestation, burns, bone fractures, subdural hematoma, soft tissue swelling, failure to thrive unjustified death	Yes	Yes	Yes, imme-diately	No spe-cific pro-vision	No spe-cific pro-vision	No specific provision	Yes	No specific provision	No speciric provision

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